



**METROPOLITAN
TRANSPORTATION
COMMISSION**

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Scott Haggerty, Chair
Alameda County

ADMINISTRATION COMMITTEE

Adrienne J. Tissier, Vice Chair
San Mateo County

November 10, 2010

MINUTES

Tom Azumbrado
U.S. Department of Housing
and Urban Development

Attendance

Tom Bates
Cities of Alameda County

Dean J. Chu
Cities of Santa Clara County

Dave Cortese
Association of Bay Area Governments

Vice Chair Cortese called the meeting to order at approximately 10:09 a.m. Committee members present were: Commissioners Daly, Dodd, Glover, Kinsey and Sartipi. Other commissioners present were: Chu, Giacomini, Halsted, Lempert, Spering, Yeager, Haggerty and Tissier.

Item 2: CLOSED SESSION

Chris Daly
City and County of San Francisco

Bill Dodd
Napa County and Cities

Dorene M. Giacomini
U.S. Department of Transportation

At approximately 10:12 a.m. Vice Chair Cortese adjourned to closed session pursuant to Government Code Section 54956.9(a) to confer with counsel regarding the following litigation: Darensburg, et al. v. MTC, United States Court of Appeals for the Ninth Circuit, Case No. 09-15878, on appeal from the U.S. District Court, Northern District, Case No. C-05-01597-EDL (Hon. Elizabeth D. Laporte).

Federal D. Glover
Contra Costa County

Item 3: OPEN SESSION

Anne W. Halsted
San Francisco Bay Conservation
and Development Commission

The Committee reconvened in open session at 10:17 a.m. MTC General Counsel Adrienne Weil reported that there was no action taken in closed session.

Steve Kinsey
Marin County and Cities

Sue Lempert
Cities of San Mateo County

Jake Mackenzie
Sonoma County and Cities

Item 4: CONSENT: It was moved by Commissioner Kinsey and seconded by Commissioner Glover to accept the following items on the Consent Calendar. Motion passed unanimously.

Jon Rubin
San Francisco Mayor's Appointee

Bijan Sartipi
State Business, Transportation
and Housing Agency

Item 4a: Minutes

The Committee received and approved as written the meeting minutes of October 13, 2010.

James P. Spering
Solano County and Cities

Amy Rein Worth
Cities of Contra Costa County

Ken Yeager
Santa Clara County

Item 4b: Monthly Financial Statements

The Committee received the following monthly financial reports for the month of September: Operating Income through September 2010; Report of Operating Expenditures for FY 2010-11 through September 2010; Report of Capital Projects for FY 2010-11 through September 2010; FY 2010-11 Contract Services Disbursement Report for September 2010. For the month of September 2010, the monthly financial report listed seventeen (17) purchase orders executed by the Executive Director between \$2,500 and \$55,000.

Steve Heminger
Executive Director

Ann Flemer
Deputy Executive Director, Policy

Andrew B. Fremier
Deputy Executive Director, Operations

The Committee also received a comparison of the budget and actual revenue and expenditures through September 2010.

Item 4c: Investment Report

The Committee received the Investment Reports for the month of September 2010.

Item 4d: Purchase Orders: Copier Lease Agreement – Xerox Corporation

The Committee authorized the Executive Director or his designee to issue purchase orders on an annual basis to procure copier equipment and maintenance services from Xerox Corporation for a period beginning November 2010 and ending November 2015, and the Chief Financial Officer was directed to set aside funds for such purchase orders not to exceed \$65,484 for the remainder of FY 2010-11 and \$87,312 annually for FY 2010-11 to FY 2014-15, for a total of \$436,650 over a 5-year period, subject to adoption of the annual operating budget in subsequent years.

Item 4e: Contract Amendment: Project-based Temporary Staffing Services: Local Government Services (LGS)

The Committee authorized the Executive Director or his designee to negotiate and enter into a contract amendment with Local Government Services (LGS) to provide additional project-based staffing services and the Chief Financial Officer was directed to set aside an additional \$247,000 in FY 2010-11 funds for such contract amendment bringing the total contract amount to \$2,384,000.

Item 4f: Contracts – Modeling Assistance

- a) Parsons Brinckerhoff
- b) Resource Systems Group

The Committee authorized the Executive Director or his designee to negotiate and enter into a contract with Parsons Brinckerhoff not to exceed \$75,000 to assist in the modeling work required for the Regional Transportation Plan and other near term planning studies, and a contract with Resource Systems Group in an amount not to exceed \$15,000 to assist in the modeling work required for other near term planning studies. The Chief Financial Officer was directed to set aside funds for such contracts.

Item 4g: Contract: UrbanSim Visualization Application for Sustainable Communities Strategy/Regional Transportation Plan: The Regents of the University of California

The Committee authorized the Executive Director or his designee to negotiate and enter into a sole source contract with University of California to deliver the UrbanSim Visualization Application and the Chief Financial Officer was directed to set aside funds up to \$600,000 for such contract.

Item 5: Legal Services:

5a. Contract Amendment: Special Litigation Counsel: Hanson Bridgett, LLP

MTC General Counsel, Adrienne Weil requested the Committee's approval of a budget increase amendment to MTC's Special Litigation Counsel contract with Hanson Bridgett, LLP to fund defense of the appeal of the Darensburg case. The amount of the increase remains confidential during the pending litigation.

Item 5: Legal Services: continued

It was so moved by Commissioner Kinsey and seconded by Commissioner Glover. Motion passed unanimously.

5b. Legal Services Contracts: Law Firms Pre-Qualified to Provide Legal Services to MTC, MTC SAFE, or BATA through FY 2013-14

The Committee approved a pre-qualified list of law firms eligible to provide legal services to MTC, MTC SAFE, or BATA on an as-needed basis through FY 2014, subject to applicable contract approval procedures, the maximum amount available in FY 2010-11 is \$200,000, not including litigation costs subject to future budget approval processes (excluding litigation costs) will be allocated in each of the three subsequent fiscal years (through June 30, 2014).

Commissioner Cortese requested clarification as to why only two firms were noted eligible in transportation law. Adrienne Weil noted Hanson Bridgett and Nossaman stood out in their experience in this field and recognized that MTC Deputy General Counsel Melanie Morgan as well as Associate Counsel Cindi Segal were both well experienced and seasoned transportation lawyers.

Commissioner Kinsey moved approval and Commissioner Glover seconded the motion. Motion passed unanimously.

Item 6. Other business/public comment/adjournment/next meeting

There being no further business or public comment, the meeting was adjourned at approximately 10:25 a.m. The next Committee meeting date will be on December 8, 2010 in the Lawrence D. Dahms Auditorium, 101 Eighth Street, Oakland, CA.

